

## CHAPTER 11

### HEALTH AND WELFARE

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**11.01 AUTHORITY AND DUTIES OF THE HEALTH OFFICER.**

- (1) The Health Officer of the Village:
  - (a) May make an annual sanitary survey and maintain a continuous sanitary supervision of the territory.
  - (b) May make a sanitary inspection periodically of all school buildings and places of public assemblage and report thereof to those responsible for the maintenance thereof.
  - (c) Shall promote the spread of information as to the causes, nature and prevention of prevalent diseases and the preservation and improvement of health.
  - (d) Shall take steps necessary to secure prompt and full reports of communicable diseases and prompt and full registration of births and deaths.
  - (e) Shall enforce the health laws and the rules and regulations of the Department of Health and Family Services.
  - (f) May inspect all stores, public buildings and other places of business for the purpose of enforcing this chapter and the rules and regulations of the Board of Health. These inspections may include:
    1. Plumbing.
    2. Refuse handling and disposal.
    3. Sanitary conditions.
    4. Public drinking fountains.
  - (g) Shall keep a record of all official acts.
  - (h) Shall report to the Department of Health and Family Services as required.
  - (i) Shall perform such other duties as are required by this Municipal Code or the Wisconsin Statutes.
- (2) The Health Officer shall enforce strictly the provisions of this chapter and see that all violations are promptly abated and the violator thereof prosecuted, and the Health Officer and Sanitary Inspector shall give attention throughout the Village to

any case of violation of this chapter and promptly report to the Village Board in writing every violation within the Village which shall come to their knowledge.

- (3) The Health Officer shall make a monthly report which shall be submitted to the Clerk/Treasurer for distribution to all Village Trustees at the first Board meeting of each month.

### **11.02 COMMUNICABLE DISEASES.**

- (1) **DEFINED.** Those diseases which are in fact communicable and so designated by the Department of Health and Family Services under Ch. 252, Wis. Stats., and Ch. HFS 145, Wis. Adm. Code, are hereby declared to be communicable within the meaning of this and subsequent sections.
- (2) **PROVISIONS ADOPTED.** Chapter 252, Wis. Stats., and Ch. HFS 145, Wis. Adm. Code, are adopted by reference and made a part of this chapter, and the Health Officer shall enforce the provisions thereof.

### **11.03 GARBAGE, ASHES AND RUBBISH.**

- (1) For the purpose of this section, waste materials are defined as follows:

Ashes. Waste products of coal and other fuels used for industrial purposes and in homes for cooking and heating.

Garbage. Organic waste resulting from the preparation, processing, handling and storage of food and all decayed or spoiled food from any source whatever.

Rubbish and Refuse. Paper, rags, metal, wood, glass, crockery, packing materials, used boxes, used barrels, tree branches, grass clippings, leaves, yard and garden debris, used furniture, used bedding, tin, cans, ashes, discarded articles and machines, and all other household and business wastes not classified as garbage or as construction wastes.

- (2) No person shall deposit or cause to be deposited in any street or public or private alley any garbage, ashes, rubbish, cuspidor cleanings, offal, carcasses, manure or any animal or vegetable waste thereon, or by transferring any filth from his own lot to that of another.
- (3) No part of the contents or substance from any sink, privy, cesspool or any manure, ashes, garbage, rubbish or waste water shall be thrown upon any street or public place by any person or be allowed to run or drop upon or remain in any street or public place, nor shall the same be allowed to fall or run into any waters

surrounding or flowing through the Village save through the public sewers, where available.

- (4) No person shall store or accumulate refuse on any vacant or occupied lot or premises in the Village except at licensed junkyards, Village dumps, and, with respect to grass clippings, leaves, and yard and garden debris, in a compost container for personal recycling.
- (5) Every owner, lessee, tenant, manager or occupant of any lot, building or premises, including place of business, hotel, restaurant, rooming house, apartment, tenement or other establishment shall keep the same at all times in a clean, inoffensive and orderly condition, permitting no deposit or accumulation of materials other than those ordinarily attendant upon the use for which the premises are regularly intended. Any accumulation of refuse is hereby declared to be a nuisance and to be dangerous to the public health and welfare.
- (6) No owner, lessee, tenant, occupant or manager of any building shall permit any infestation of vermin or rodents or the accumulation of any filth, garbage, ashes, rubbish, or offal in any hall, home, closet, cellar, attic, yard, shed, garage, outbuilding or on any other place or any such premises.
- (7) The occupant of every single or 2 family dwelling, or the operator of every boarding house, restaurant or place of business who does not otherwise provide for the disposal of garbage in a sanitary manner, shall provide proper and conveniently located receptacles sufficient to receive all garbage, ashes, rubbish and other wastes between the times of collection. Proper garbage receptacles shall be watertight, provided with a tight fitting cover which shall not be removed except when necessary to place garbage in such cans or to empty or cleanse the same. All garbage accumulating between the times of collection shall be placed in such cans.
- (8) All the operators of every apartment or flat accommodating more than two families shall provide cubic yard containers or compactors for storage and disposal of garbage. Such containers or compactors shall be equipped with self-closing covers.
- (9) No occupant of any dwelling, house, building or structure, regardless of how such occupant came into occupancy of such premises, shall vacate any such premises without first removing or causing to be removed and properly disposing of all waste materials as defined in this section.

#### **11.04 COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE.**

- (1) The words “garbage” and “offal” as used in this section shall be held to include every refuse, accumulation of animal, fruit and vegetable matter that attends the

preparation, use, cooking, dealing in or storage of meats, fish, fowl, fruits and vegetables.

- (2) The Health Officer is hereby authorized and directed to conduct and control the collection, removal and disposal of garbage in the Village in conformity with the following regulations:
  - (a) Garbage shall be prepared for collection by draining, wrapping and placing in a garbage receptacle which shall be of metal or plastic with a tight fitting closure and equipped with a handle or bail and except when otherwise especially permitted shall have a capacity of not more than 2 bushels.
  - (b) Receptacles shall be in an easily accessible place as the Health Officer may direct, shall be promptly delivered to the collector without delay and shall be promptly returned by the collector to the place; and no person excepting for the purpose authorized shall in any manner interfere with such receptacle or the contents thereof.
  - (c) Garbage shall be collected by the collector from householders at such intervals and in such manner as specified in the contract. Garbage accumulated by restaurants, hotels or other public eating places, or by wholesale or retail purveyors of food, may be collected and the Health Officer may require that garbage in excess of what can be handled by regular garbage collection be delivered to the municipal destruction plant or dump provided for that purpose.
  - (d) All vehicles or conveyors, whether publicly or privately owned, used for the collection or transportation of garbage shall be covered and so constructed as not to leak or spill, shall be kept clean and as free from offensive odors as possible and shall not be kept in any street, alley or public place, nor upon any private premises within the Village limits longer than is reasonably necessary to collect the garbage, except by permission of the Health Officer.
  - (e) All garbage and offal following collection shall be disposed of in the municipal destruction plant or under the direction of the Health Officer in a manner approved by him, except that garbage shall not be permitted to be buried in the earth or fed to swine on any premises within the Village.
  - (f) The expense of collection, removal and disposal of garbage shall be paid by the Village. To carry out the terms of this section the Village Board is empowered to employ all necessary labor and acquire and maintain the necessary equipment under terms approved by it or to enter into a private contract to handle the same.

- (g) The Village Board shall make and publish such additional rules and regulations as may be found necessary for the proper collection, removal and disposal of garbage in the Village.
- (h) No person, unless authorized to do so by the Health Officer, shall gather, collect, transport or have in his possession in any public street, alley or public place within the Village any garbage or offal.
- (i) All garbage and offal will be placed at the proper point before 6 a.m. on the day of collection, but not before noon the day prior to collection.

(3) HANDLING AND DISPOSAL OF RECYCLABLES. (Cr. #092-7)

(a) Definitions.

Recyclables. All material having a present, economic, reusable value. Materials include glass containers, plastic containers, aluminum, tin, cardboard, newsprint and magazines.

Solid Waste Generator. Any person, organization or entity that generates solid waste within the Village.

- (b) Separation Required. Every solid waste generator shall separate for disposal purposes garbage from recyclables as defined in par. (a). Disposal of such categories of solid waste shall be in accordance with this subsection.
- (c) Drop-Off Center.
  - 1. Solid waste generators may, upon showing proof of residency, dispose of recyclables at a drop-off center designated by the Village. Such disposal shall be during the hours and on the days determined by the Village.
  - 2. Solid waste generators may drop off commingled recyclables at the designated site. Recyclables must be emptied from all containers and the containers, including bags, removed. Newsprint, cardboard and magazines to be separated. Nothing other than recyclables may be disposed of at the Village drop-off center.
- (d) Recyclables Disposal; Preparation. Recyclables must be prepared for disposal as follows:

1. Glass Containers. Clear and colored; covers, metal and plastic bands removed; containers thoroughly rinsed. No plate glass, ceramics or clay items.
  2. Plastic Containers. Plastic milk jugs and other containers with recyclable number codes 1, 2, 3 and 5, rinsed thoroughly. Discard covers, lids and rings. Remove any polystyrene or plastic label/wrap. No plastic bags or egg cartons.
  3. Aluminum. Rinse out thoroughly. Any articles, such as TV dinner trays, foil wrap, potpie pans and aluminum cans.
  4. Tin. Includes steel containers or combination steel and aluminum (bi-metal) containers. Thoroughly rinsed and crushed.
  5. Newsprint. Bundled or stacked in paper bags or tied securely in manageable bundles. Newsprint shall be kept separate from other recyclable materials.
  6. Magazines, Catalogs. Bundled or stacked in paper bags or tied securely in manageable bundles. Magazines and catalogs shall be kept separate from other recyclables.
  7. Corrugated cardboard. Large quantities shall be bundled or cut up and placed in a cardboard box. No chipboard, such as cereal, cake or detergent boxes or 12 pack cartons. Cardboard shall be kept separate from other recyclables.
  8. Waste Oil Disposal. Waste oil is banned from landfills and may not be placed in waste containers. Waste oil may be disposed of by dumping it into either of the tanks marked "Waste Oil" located behind the Village garage (Michigan Ave.). No containers may be left at site.
- (e) General Prohibition. No recyclables shall be disposed of at the Village drop-off center in any manner other than as prescribed in this subsection.

#### **11.06 DISPOSAL OF HUMAN EXCRETA AND LIQUID WASTE.**

- (1) No person shall build, erect, maintain, occupy or use any residence, place of business or other building in the Village wherein persons reside, congregate or are employed without providing for the use of such occupants adequate and properly maintained water closets and sinks conforming to the State Plumbing Code and local plumbing regulations or without providing a sanitary septic tank, constructed

according to the plans and specifications approved by the state agency with jurisdiction over the same.

- (2) The owner or agent of each building in the Village which abuts any street, alley or way along which there are public sewer or water lines or is within 250' of such a sewer or water line in the street abutting the property shall connect with such sewer all water closets, toilets, bathtubs, lavatories, sinks, urinals and similar devices so that their contents will empty into such sewer in accordance with the provisions of the State Plumbing Code and such additional local rules and regulations not inconsistent herewith.
- (3) No person shall build, erect, construct or maintain any septic tank or private system for the disposal of human excreta, liquid waste or water upon any lot or premise abutting or within 250' of any street, alley or way in which there is a public sewer and water line.
- (4) Whenever any public sewer and water lines are laid along any street, avenue, lane or public alley in the Village and the same is ready for use, the Clerk/Treasurer shall notify in writing the occupant, owner or agent of every residence or building situated on lots abutting upon the streets, avenues or alleys along which such sewer and water lines are laid, to connect all water closets, toilets, sinks, bathtubs, lavatories, urinals and similar devices upon their respective lots with such sewer lines, so that the contents of the same will discharge into such sewer in a sanitary manner within 60 days after notice of such service, unless an extension is granted by the Village Board. Street excavations from the curb to the center of the street to make connections to the sanitary sewer shall be back filled with sand.
- (5) All septic systems and septic tanks shall be maintained in a sanitary manner.
- (6) Any water closet, sink, cesspool or septic tank existing or being maintained which does not conform to the requirements of this section shall be and is hereby declared a nuisance, dangerous to the public health and the Health Officer shall order abatement of such nuisance in accordance with the Wisconsin Statutes and this Municipal Code.
- (7) The Health Officer shall strictly enforce the provisions of this section and see that each and every violation thereof is promptly abated and the violators prosecuted, and the Director of Public Safety shall promptly report to the Health Officer in writing each and every violation of this section within this Village which shall come to his knowledge.



**11.07 TRAILERS, TENTS, GARAGES, MOTORIZED VEHICLES AND BOATS AS AND FOR DWELLINGS.** (Am. 97-16)

No person shall use and no owner shall allow the use of house trailers, tents, garages and other similar structures, nor any motorized vehicles including, but not limited to, motor homes and boats, as and for dwelling purposes within the boundaries of the Village unless:

- (1) Such structure or motorized vehicle is designed to be used as a temporary dwelling, is not used as a dwelling in excess of 72 hours within any 30-day period of time, and is located within 75' of water and toilet facilities available for use by such person; or
- (2) Such structure or motorized vehicle is specifically exempted by federal or state law.
- (3) Campgrounds are prohibited within the boundaries of the Village.

**11.08 PROPERTY MAINTENANCE CODE.**

- (1) **PURPOSE.** The purpose of this section is to recognize the private and public benefits resulting from the safe, sanitary and attractive maintenance of residential and non-residential buildings, structures, yards or vacant areas by adopting minimum standards. Attractive and well-maintained property will enhance the neighborhood and the Village as a whole by maintaining physical, aesthetic and monetary values. With respect to rental housing, it is necessary to adopt minimum regulations regarding human habitation to protect the health, safety, and general welfare of tenants within the Village. In sum, this section will preserve and promote the public health, safety, comfort, convenience, prosperity and general welfare of the people of the Village of Sturtevant and its environs.
- (2) **PROHIBITION.** No person shall allow or permit any building or structure, whether dwelling, non-dwelling, or accessory on his/her property, including the premises surrounding such building or structure, to remain in or deteriorate to a condition that is not in accord with the following provisions:
  - (a) Ceilings, Walls and Foundations.
    1. Every wall and ceiling shall be free of holes, breaks, loose, rotting or missing boards, timbers or other building materials or any other conditions which might admit rain or dampness to the interior portions of walls, or to the occupied spaces of the building.

2. Every foundation and exterior wall shall be reasonably weather tight, rodent proof, insect proof and shall be kept in a good and sound condition and state of repair. The foundation elements shall adequately support the building at all points. Any sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to ensure that they safely and properly remove the products of combustion from the building.
- (b) Paint and Other Preservatives. Exterior surfaces of buildings, fences and other structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. Missing or damaged siding shall be promptly replaced.
- (c) Doors, Windows and Basement Hatchways.
1. Every window, screen, exterior door and basement hatchway shall be tight and shall be kept in a good and sound condition and state of repair. Every window sash shall be fully supplied with glass windowpanes or an approved substitute which is without open cracks or holes. Every window sash shall be in good condition and fit well within its frame.
  2. Every exterior door, door hinge and door latch shall be maintained in a good and sound condition and state of repair. Exterior doors, when closed, shall fit well within their frames.
- (d) Porches, Railings, Stairways, Decks, Balconies, Platforms and Patios. Every outside stair, porch, balcony, platform, patio and appurtenance thereto, shall be so constructed to be safe to use and capable of supporting normal loads as required by the Building Code and shall be kept in a good and sound condition and state of repair.
- (e) Roofs and Drainage.
1. All roofs shall be maintained so as not to leak and all water shall be so drained and conveyed therefrom so as to not cause damage to the exterior walls, interior walls, eaves, soffits or foundations.

2. All courts, yards or other areas on the premises shall be properly graded to divert water away from the building. Ground surface adjacent to the building shall be sloped away from the structure where possible.

(f) Fence and Retaining Wall Requirements.

1. All fences shall be properly maintained and kept in a good and sound state of repair.
2. Retaining walls shall be structurally sound. No retaining wall shall be constructed or maintained in such a manner as to cause a repeated spillage of mud, gravel or debris upon any public sidewalk, street, alley or adjoining property.

(g) Exterior Property Areas. All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, or physical hazards, rodent harborage and infestation, or animal feces.

(h) Landscaping. All exterior property areas shall be kept free from noxious weeds as defined in Chapter 10 of these ordinances. Landscaping, plantings and other decorative surface treatments including common species of grass shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas.

(i) Public Nuisances. All buildings, structures, and surrounding premises shall be nuisance free as required under Chapter 10 of these ordinances and Chapter 823 of the Wisconsin Statutes.

(3) PROHIBITION AS TO RENTAL HOUSING.

(a) Scope. The provisions of this subsection shall apply to all dwelling units within the Village, all or a portion of which are rented, except such buildings as shall be subject to the Wisconsin Uniform Dwelling Code and to which this section is prohibited in its application.

(b) Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

*Cellar.* A portion of a building located partly or wholly underground, but having ½ or more of its clear floor to ceiling heights below the average grade of the adjoining ground.

*Dwelling.* Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

*Dwelling Unit.* Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.

*Habitable Room.* A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, laundries, pantries, foyers, communication corridors, closets and storage spaces.

*Building Inspector.* The Building Inspector of the Village or his or her authorized representative.

*Lodging House.* A residential building or portion thereof containing lodging rooms which accommodate in the aggregate 3 or more persons who are not members of the keeper's family, for which lodging or meals or both, or lodging and kitchen privileges are provided for compensation.

*Lodging Room.* A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. Includes a room or rooms so rented in a single family dwelling or dwelling unit.

*Occupant.* Any person over one year of age living, sleeping or eating or having actual possession of a dwelling unit.

*Owner.* Any person who, alone or jointly or severally with others shall be the record holder of the title, with or without actual possession thereof, or who has charge, care or control of any dwelling as agent of the owner or as executor, administrator, trustee or Guardian of the estate of the owner.

*Person.* Includes owners, their agents, tenants and any individual, firm, corporation, partnership or association.

- (c) Standards For Basic Equipment and Facilities of Habitable Living Quarters. No person shall occupy as owner or let to another for occupancy any dwelling or dwelling unit within the scope of this section for the purpose of living or sleeping therein, which does not comply with the following requirements for healthful living:

1. Toilet and Lavatory. Every dwelling unit shall contain a water flush toilet within a room which affords privacy to a person in such room. Artificial

light shall be provided. Toilet and lavatory rooms shall be provided with reasonably adequate ventilation by mechanical means or by natural means, and if by natural means, the openings shall not be less than 3½% of the floor area or minimum exhaust ventilation of 50 cfm, and in no event shall be less than 1½ sq. ft. in area. Every dwelling unit shall contain a lavatory basin, preferably but not exclusively in the same room as the toilet. Such toilet and lavatory basins shall be connected to public water and sewer systems and shall be maintained in a good and sanitary working order by the owner.

2. Bathing Facilities. Every dwelling unit shall contain within a room which affords privacy to a person in the room, a bathtub or shower, which shall be connected to public water and sewer systems and shall be maintained in a good and sanitary working condition by the owner.
3. Multiple Use. The occupants of a lodging house or lodging rooms or not more than 2 dwelling units may share a single water flush toilet and a single bathtub or shower if:
  - a. The number of occupants sharing such facilities does not exceed 10.
  - b. The toilet and bathtub or shower are within a room separate from the habitable rooms and is accessible to the occupants of each dwelling unit without going through the dwelling unit of another or outside the building.
  - c. The toilet or shower room is on the same floor with or not more than one floor above or below the dwelling unit it serves.
4. Lighting. Artificial light shall be provided in all common or public spaces within a dwelling.
5. Kitchen Facilities. Every dwelling or dwelling unit shall have a specific kitchen space containing a sink with counter, work space, hot and cold running water and adequate space for the installation of cooking and refrigeration equipment and for storing cooking utensils. All such facilities shall be maintained in a good and sanitary working condition by the owner.
6. Water Supply. Every lavatory basin, bathtub and shower shall be connected with operable hot and cold water lines.

7. Water Heating Facilities. Every dwelling unit shall have properly installed water heating facilities of not less than 30 gals. capacity, which shall be capable of heating water to such a temperature as to permit water to be drawn at every required lavatory basin, bathtub or shower or sink at a temperature of not less than 110°F. The water heating facilities shall be maintained in a good and safe working condition and shall be properly connected to the hot waterlines required under provisions of pars. (e) and (f) above.
8. Insect Protection. When flies are prevalent, windows and door openings into the outer air shall be effectively screened. Screen doors shall be self-closing. Screens shall be hung not later than June 1 of each year.
9. Space. Every dwelling unit shall contain at least 150 sq. ft. of floor space for the first occupant thereof and 100 sq. ft. for every additional occupant thereof; provided that:
  - a. Floor area shall be calculated on the basis of total habitable room area.
  - b. At least ½ of the floor area of every habitable room shall have a ceiling height of at least 7'; and the floor area of that part of any room where the ceiling height is less than 4' shall not be considered as part of the floor area in computing the total floor area of the dwelling unit for determining the maximum permissible occupancy.
  - c. Each child over the age of one year shall count as one person in the maximum permissible occupancy.
10. Bedroom Space. There shall be provided in each dwelling unit a suitably private space used for sleeping. A bedroom shall not be used as the only means of access to another habitable room other than another bedroom.
11. Heating. Every dwelling or dwelling unit designed or intended to be used or actually used for dwelling purposes shall be equipped, maintained and operated with a heating system which at all times is capable of maintaining minimum temperatures of 67°F in all bathrooms and toilet compartments with an outside temperature of -10°F.
12. Electric Service. Every habitable room shall contain either 2 or more separate floor or wall type electric convenience outlets or one such convenience outlet and one supplied ceiling type or wall type electric fixture. Every bathroom, laundry room, furnace room and public hall

shall contain at least one supplied ceiling or wall type electric fixture. Every such outlet and fixture shall be properly installed and connected to the source of electric power and shall be maintained in good and safe working condition by the owner.

13. Plumbing Fixtures. Every plumbing fixture required under this section shall be maintained by the owner so as to be reasonably impervious to water and easily cleaned.
  14. Toilet and Bathroom Floors. The floors of all toilet rooms and bathrooms shall be constructed and maintained by the owner so as to be reasonably impervious to water and easily cleaned.
  15. Discontinuance of Service. No occupancy shall be permitted in any dwelling or dwelling unit to which the electrical, water or gas service has been disconnected, except for such temporary interruptions as may be necessary while actual repairs or alterations are in progress or during a temporary emergency when discontinuance of service is approved by the enforcing officer.
  16. Cleanliness. Each dwelling or dwelling unit, including surrounding grounds and accessory structures shall be kept in a clean and sanitary condition. Prior to moving, vacating or relinquishing occupancy or control, each dwelling or dwelling unit shall be made free of all garbage, rubbish and refuse.
  17. Extermination of Pests. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises. The owner of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination within the unit. Extermination of any infestation in a dwelling unit shall be the responsibility of the owner when the condition may have been caused by a previous occupant.
- (4) **ENFORCEMENT**. This section shall be enforced by the Building Inspector for the Village of Sturtevant, after authorization by the Community Programs and Board of Health Committee (“the Committee”). He or she shall prohibit or terminate the occupancy of any dwelling or dwelling unit which is unfit for human occupancy under the provisions of this section until the necessary corrections have been made.
- (a) Enforcement Procedures. The Building Inspector shall on his/her own motion or upon written complaint made by another, inspect any property within the

scope of this Section to determine compliance to this and related Village ordinances.

- (b) Access to Property. The Building Inspector after proper identification shall be permitted to enter upon any property at any reasonable time for the purpose of making inspections to determine compliance with this and related ordinances. If denied access the Building Inspector may acquire an Inspection Warrant for such access.
- (c) Notice of Violation. Whenever the Building Inspector finds upon inspection any violation of this section, he or she shall seek authorization from the Committee to proceed further. If such authorization is given, the Building Inspector shall notify the owner, occupant or agent responsible therefor by means of a written notice of violation. In such notification the Building Inspector shall set forth the specific condition found, the correction necessary to bring about compliance and a specific and reasonable time for such correction and compliance. Each condition continued or repeated after the time specified in such notification shall constitute a separate violation of this section.
- (d) Service of Notice. Each notice or order provided under this section shall be deemed to have been properly served when it has been delivered personally or mailed postage prepaid by certified mail and return receipt requested, to the owner, occupant or agent, as the case may be, of the dwelling or dwelling unit which is the subject of such notice or order.
- (e) Occupancy of Rental Unit After Notice. Upon the failure of the owner, occupant or agent, after due notice to comply with the provisions of this section within the time prescribed by the Building Inspector, the subject dwelling or dwelling unit shall be considered unfit for human habitation, occupancy and use and shall be so designated and placarded by the Building Inspector in accordance with §66.05, Wis. Stats. Any dwelling or dwelling unit designated as unfit for human habitation shall be vacated within 30 days after due notice to the owner and occupant by the Building Inspector and shall not again be used for human habitation until the corrections prescribed by the Building Inspector have been made.
- (f) Appeal. Any person affected by any notice or order which has been issued in connection with the enforcement of any of the provisions of this section may request and shall be granted a hearing before the Village Board. Requests for such hearing will be filed with the Clerk/Treasurer no later than 3 business days from the date of the notice or order.



- (g) Emergency Enforcement Procedure. Notwithstanding any other provisions of this section, if the Building Inspector determines that any dwelling is so damaged, decayed, dilapidated, dangerous, unsanitary, unsafe or vermin infested that it creates a hazard to the health or safety of the occupants or the public, the Building Inspector may placard such dwelling and within 24 hours thereafter serve notice to the occupant and owner or his agent responsible therefor, as the case may be, that the dwelling is unfit for human habitation and that it shall be vacated within a responsible time as ordered by the Building Inspector. The appeal procedure referred to in par. (f) above shall apply to any order for vacation made by the Building Inspector under this paragraph.
- (h) Appeals to the Village Board. The Village Board shall conduct a hearing on any appeal filed by any person affected by any notice or order issued in connection with the enforcement of the provisions of this section. A majority vote shall be required to reverse any order, requirement, decision or determination of the Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this section.
- (i) Notification of Vacant Apartment. The owner or caretaker of any rental dwelling or rental dwelling unit shall notify the Building Inspector of any vacant apartment within 72 hours of vacation. The Building Inspector shall then inspect the vacant dwelling or dwelling unit to ensure that the requirements of this section are met prior to the issuance of an occupancy permit. Inspection and occupancy permit fees shall be as determined by the Village Board from time to time.

(5) **PENALTIES.**

- (a) Any person who violates any of the provisions of this section shall upon conviction, forfeit not less than \$100 or more than \$500, together with costs of prosecution.
- (b) Each day a violation of this section exists after service of notice of such violation by the Building Inspector shall constitute a separate violation.

**11.09 REGULATION OF STAGNANT POOLS.**

- (1) **PURPOSE.** This section is enacted to promote the public health, safety and welfare. Because of the growing urban concentration within the Village, with the attendant increase in population and, in particular, the increase in the number of young children, the presence, of stagnant pools of water within the Village are declared to be a nuisance in that they attract young children, are often dumping grounds for junk

and refuse, are a breeding ground for mosquitoes, flies and insects and serve as habitat for rodents and other unwholesome animals.

- (2) **DEFINITION.** As used herein “stagnant pools of water” refers to waters which are standing in pools without any outlets for at least one-month. A pool shall not cease to be such because it may overflow during periods of rainstorms or melting snows if such outlet does not provide for full drainage of such pool.
- (3) **PROHIBITION.** No person shall permit stagnant pools of water to remain or exist upon any real property under his control within the Village.
- (4) **DUTIES OF OWNERS.** Every owner or manager of real property within the Village shall drain or fill or cause to be drained or filled any stagnant pools of water on such real property within the Village. Such pools shall be filled with clean fill which does not contain any decomposable, toxic or combustible materials or any rubbish, trash or waste materials.

#### **11.10 HAZARDOUS WASTES.**

- (1) **PROHIBITED DISCHARGES.** No person shall discharge or cause to be discharged, leaked, leached or spilled upon any public street, alley or public property; onto the ground, surface waters, subsurface waters or aquifers; or on any private property within the Village, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, any solid, liquid or gas creating a hazard, potential hazard or public nuisance or any solid, liquid or gas having a deleterious affect on the environment.
- (2) **CONTAINMENT, CLEANUP AND RESTORATION.** Any person in violation of the above section shall, upon direction of any Emergency Government officer, begin immediate actions to contain, clean up and remove to an approved repository the offending materials and restore the site to its original condition, with the offending person being responsible for all expenses incurred. Should any person fail to engage the necessary men and equipment to comply or to complete the requirements of this section, the Office of Emergency Government may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the Village.
- (3) **SITE ACCESS.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Emergency Government officers and staff and to Village Police and Fire Department personnel for the purpose of

evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

- (4) **PUBLIC PROTECTION.** Should any prohibited discharge occur that threatens the life, safety or health of the public at, near or around the site of a prohibited discharge and that the situation is so critical that immediate steps must be taken to protect life and limb, the Coordinator of Emergency Government, or in his absence the Deputy Coordinator, or the senior Village police or fire official on the scene of the emergency may order an evacuation of the area or take other appropriate protective steps for a period of time until the President of the Village or the Village Board can take appropriate action.
- (5) **VEHICLES TRANSPORTING OR STORING HAZARDOUS MATERIALS.** (Cr. #93-9)
  - (a) Prohibited From Parking and Being Left Unattended. No motor vehicle which is in the process of storing or transporting hazardous materials or hazardous substances shall be parked or left unattended within the Village, whether on public or private lands, within 300' of any single or multiple family residence, apartment building or school except for the following purposes:
    1. To deliver or pick up such materials or substances to or from customers.
    2. To clean up any hazardous materials or substances.
    3. To comply with applicable traffic regulations.
    4. To effect repairs to the motor vehicle or trailer in emergency situations.
    5. To engage directly in construction work within the area.
  - (b) Definitions.
    1. *Hazardous material* shall have the meaning as set out in 49 C.F.R. 171.8 and 172.101.
    2. *Hazardous substance* shall have the meaning as set out in §144.01(4m), Wis. Stats.
    3. *Unattended* shall have the following meanings:
      - a. If the operator of the motor vehicle is asleep.

- b. If the operator of the motor vehicle is not in view of the motor vehicle.
  - c. If the operator of the motor vehicle is more than 150' away from the subject vehicle, regardless of whether the operator is in view of the motor vehicle.
- (6) **ENFORCEMENT.** (Rn. #93-9) The Coordinator of Emergency Government and his deputies as Village police officers shall have authority to issue citations or complaints under this section.
- (7) **CIVIL LIABILITY.** (Rn. #93-9) Any person in violation of this section shall be liable to the Village for any expenses incurred by the Village or loss or damage sustained by the Village by reason of such violation.
- (8) **PENALTIES.** (Rn. #93-9) Any person in violation of this section shall forfeit to the Village upon conviction thereof not less than \$50 nor more than \$3,000, plus the costs of prosecution. Each day a violation exists shall constitute a separate offense.

#### **11.11 RECYCLING.** (Cr. #094-38)

- (1) **TITLE.** This section shall be referred to as the Village of Sturtevant Recycling Ordinance.
- (2) **PURPOSE.** The purpose of this ordinance is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in §287.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.
- (3) **STATUTORY AUTHORITY.** This section is adopted as authorized under §287.09(3)(b), Wis. Stats.
- (4) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this section to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this section imposes greater restrictions, the provisions of this section shall apply.
- (5) **INTERPRETATION.** In their interpretation and application, the provisions of this section shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this section may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this section is required by Wisconsin Statutes, or by a standard in Ch. NR 544, Wis.

Adm. Code, and where the section provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR 544, Wis. Adm. Code standards in effect on the date of the adoption of this section, or in effect on the date of the most recent text amendment to this section.

- (6) **SEVERABILITY.** Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.
- (7) **APPLICABILITY.** The requirements of this section apply to all persons within the Village of Sturtevant, Racine County, Wisconsin.
- (8) **ADMINISTRATION.** The provisions of this section shall be administered by the Village Board and its duly designated agents.
- (9) **EFFECTIVE DATE.** The provisions of this section shall take effect as of January 1, 1995.
- (10) **DEFINITIONS.** For the purposes of this section:

*Bi-metal container* means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

*Container board* means corrugated paperboard used in the manufacture of shipping containers and related products.

*Foam polystyrene packaging* means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- (a) Is designed for serving food or beverages.
- (b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
- (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

*HDPE* means high density polyethylene, labeled by the SPI code #2.

*LDPE* means low density polyethylene, labeled by the SPI code #4.

*Magazines* means magazines and other materials printed on similar paper.

*Major appliance* means a residential or commercial air-conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

*Multiple-family dwelling* means a property containing 5 or more residential units, including those which are occupied seasonally.

*Newspaper* means a newspaper and other materials printed on newsprint.

*Non-residential facilities and properties* means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

*Office paper* means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

*Other resins or multiple resins* means plastic resins labeled by the SPI code #7.

*Person* includes any individual, corporation, partnership, association, local governmental unit, as defined in §66.299(1)(a), Wis. Stats., state agency or authority or federal agency.

*PETE* means polyethylene terephthalate, labeled by the SPI code #1.

*Plastic container* means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

*Postconsumer waste* means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in §291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in §289.01(17), Wis. Stats.

*PP* means polypropylene, labeled by the SPI code #5.

*PS* means polystyrene, labeled by the SPI code #6.

*PVC* means polyvinyl chloride, labeled by the SPI code #3.

*Recyclable materials* includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid

plastic containers, including those made of PETE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

*Solid waste* has the meaning specified in §144.01(15), Wis. Stats.

*Solid waste facility* has the meaning specified in §144.43(5), Wis. Stats.

*Solid waste treatment* means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. “Treatment” includes incineration.

*Suitable container* means clear plastic bag stamped with “Village of Sturtevant” on bag.

*Waste tire* means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

*Yard waste* means leaves, grass clippings, yard and garden debris and brush, including stumps, roots or shrubs with intact root balls.

(11) **SEPARATION OF MATERIALS.** Occupants of single-family and 2- to 4-unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste, unless a variance is granted by the Wisconsin DNR, pursuant to Ch. NR 544, Wis. Adm. Code:

- (a) Lead acid batteries.
- (b) Major appliances.
- (c) Waste oil.
- (d) Yard waste.
- (e) Aluminum containers.
- (f) Bi-metal containers.
- (g) Corrugated paper or other container board.
- (h) Glass containers.
- (i) Magazines.

- (j) Newspaper.
  - (k) Office paper.
  - (l) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
  - (m) Steel containers.
  - (n) Waste tires.
  - (o) Foam polystyrene packaging.
- (12) SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of sub. (11) do not apply to the following:
- (a) Occupants of single-family and 2- to 4-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the State DNR that recovers the materials specified in sub. (11) from solid waste in as pure a form as is technically feasible.
  - (b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
  - (c) A recyclable material as herein specified for which a variance has been granted by the DNR under §287.11(2m), Wis. Stats., or Ch. NR 544.14, Wis. Adm. Code.
- (13) CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with sub. (11) shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in manner which protects them from wind, rain, and other inclement weather conditions.
- (14) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE. Occupants of single-family and 2- to 4-unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:



- (a) Lead acid batteries shall be taken to an area retail business that sells vehicle batteries for return.
  - (b) Major appliances shall be periodically picked up by the Village's solid waste contractor for proper disposal, for single-family and 2- to 4-unit residents only.
  - (c) Waste oil shall be handled at the Village recycling center for waste oil and then removed by licensed vendor, or a resident may take waste oil to a licensed vendor of resident's choice.
  - (d) Yard waste shall be placed at the curb at specified times of the year, in disposable brown bags or taken to the Village's compost site.
  - (e) Branches shall be placed at the curb at specified times of the year, untied.
- (15) PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as otherwise directed by the Village Board or its designated representative, occupants of single-family and 2- to 4-unit residences shall do the following for the preparation and collection of the separated materials specified in sub. (11)(e)–(o):
- (a) Aluminum containers shall be placed in suitable container at curbside after same have been cleaned.
  - (b) Bi-metal containers shall be placed in suitable container at curbside after same have been cleaned with ends cut.
  - (c) Corrugated paper or other container board shall be placed at curbside and shall be free of debris, flattened, stacked and tied.
  - (d) Glass containers shall be placed in suitable container at curbside after same have been cleaned.
  - (e) Magazines shall be placed in suitable container at curbside.
  - (f) Newspaper shall be placed in suitable container at curbside in brown paper bags or tied in bundles of 8" or less.
  - (g) Office paper shall be placed in suitable container at curbside.
  - (h) Rigid plastic containers shall be placed in suitable container at curbside and prepared and collected as follows:

1. Plastic containers made of PETE, shall be rinsed free of product residue and caps shall be removed and discarded.
  2. Plastic containers made of HDPE, including milk jugs and detergent bottles, shall be rinsed free of product residue and caps shall be removed and discarded.
  3. Plastic containers made of PVC, LDPE, PP, PS, or other resins or multiple resins, shall be rinsed free of product residue and caps shall be removed and discarded.
  4. Steel containers shall be rinsed free of product residue and placed in a suitable container at curbside.
  5. Waste tires shall be disposed of by residents at any approved facility.
- (i) Foam polystyrene packaging shall be placed in a suitable container at curbside.
- (16) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.
- (a) Owners or designated agents of multiple-family dwellings shall do all the following to recycle the materials specified in sub. (11)(e)–(o):
1. Provide adequate, separate containers for the recyclable materials.
  2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
  3. Provide for the collection of the materials separated from the waste by tenants and the delivery of the materials to a recycling facility.
  4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements specified in par. (a) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the DNR that recovers for recycling the materials specified in sub. (11)(e)–(o) from solid waste in as pure a form as is technically feasible.

(17) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

- (a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in sub. (11)(e)–(o):
  - 1. Provide adequate, separate containers for the recyclable materials.
  - 2. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
  - 3. Provide for the collection of materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
  - 4. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements specified in par. (a) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the DNR that recovers for recycling the materials specified in sub. (11)(e)–(o) from solid waste in as pure a form as is technically feasible.

(18) PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in sub. (11)(e)–(o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(19) ENFORCEMENT.

- (a) For the purpose of ascertaining compliance with the provisions of this section, any authorized officer, employee or representative of the Village solid waste contractor or the designated agent of the Village Board may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when

necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Village solid waste collector or the designated agent of the Village Board who requests access for purpose of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

- (b) Any person who violates a provision of the section may be issued a citation by the Village Police Department to collect forfeitures.

The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

- (c) Penalties for violating this section may be assessed as follows:

1. Any person who violates sub. (18) may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.
2. Any person who violates a provision of this section, except sub. (18), may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

## **11.12 (Rep. #099-5)**

## **11.13 UNLAWFUL REMOVAL OF ITEMS DEPOSITED FOR COLLECTION.**

- (1) **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this section:

*Recyclable material(s)* shall mean (except materials subject to a Wisconsin Department of Natural Resources variance or exemption granted under NR 544.14, Wisconsin Administrative Code) major appliances, aluminum containers, corrugated paper or other container board, glass containers, magazines, newspaper, office paper, rigid plastic containers, including those made of PETE (#1), HDPE (#2), and other resins or multiple resins which have an SPI Code designation of 1 or 2, steel containers, bi-metal containers, foam polystyrene packaging and rigid plastic containers, including those made of PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7), and empty aerosol containers.

*Solid waste* shall mean that type of solid waste material generated by the Village or its residents, such as household garbage and refuse.

*Garbage* shall mean discarded materials resulting from the handling, processing, storage and consumption of food.

*Refuse* shall mean all matters produced from industrial or community life, subject to decomposition, not defined as sewage.

*Large household items* shall mean household furniture and shall include, but not be limited to, davenports, recliners, overstuffed chairs, bookcases, dressers, tables, desks and similar items.

*White goods* shall mean household appliances, including but not limited to, microwaves, dehumidifiers, dishwashers, refrigerators, freezers, stoves, washing machines, clothes dryers, water heaters and air conditioners.

- (2) **PROHIBITION.** No person, firm, association or corporation, unless granted permission by the Village, shall scavenge, collect or remove recyclable materials, solid waste, white goods and other household or similar items that have been deposited or placed by any person adjoining such premises for collection and disposal.
- (3) **PENALTIES.**
  - (a) First Offense. Any person who shall violate the provisions of sub. (1) shall, upon conviction thereof, forfeit not less than \$25 nor more than \$100, together with the costs of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail in accordance with Section 800.095 of the Wisconsin Statutes.
  - (b) Second Offense. Any person found guilty of violating sub. (1), who has previously been convicted of a violation of such ordinance within one year, shall, upon conviction thereof, forfeit not less than \$50 nor more than \$500 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail in accordance with Section 800.095 of the Wisconsin Statutes.
  - (c) Third Offense. Any person found guilty of violating sub. (1), who has previously been convicted of a violation of such ordinance 2 times or more within one year, shall upon conviction thereof, forfeit not less than \$100 nor more than \$500 for such third offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail in accordance with Section 800.095 of the Wisconsin Statutes.

**11.14 USE OF BALCONIES AND PATIOS IN RENTAL UNITS.**

- (1) **PURPOSE.** The purpose of this Section is to recognize that the Sturtevant Fire Department has been receiving complaints about the use of gas and charcoal barbecue grills on Balconies and Patios; that the use of barbecue grills and similar equipment within 15 feet of Rental Unit constitutes great potential harm for loss of life and property; and that storage on Balconies, Patios and other Exits interfere with the ability of the Sturtevant Fire Department to perform its community caretaker duties.

(2) **DEFINITIONS.**

**Balcony.** A landing or porch projecting from the wall of a building used as a means of egress, a second Exit and/or a jump platform.

**Exit.** That portion of a means of egress that is separated from all other spaces of the building or structure by construction or equipment to provide a protected way of passage to leave the building or structure. Exits include exterior Exit doors, Exit passageways, horizontal Exits and separated Exit stairs or ramps.

**Patio.** A flat surface abutting a Rental Unit, whether constructed of cement or other material, used as a means of egress or as a second Exit.

**Rental Unit.** A unit held out for rent to the public, whether in an apartment building, duplex or other similar building.

(3) **PROHIBITIONS.**

- (a) No person shall store or operate a barbecue grill or other similar equipment used for preparing, grilling or cooking any type of food or store gas or charcoal on a Balcony or Patio of a Rental Unit.
- (b) No person shall store or operate a barbecue grill or other similar equipment used for preparing, grilling or cooking any type of food or store gas or charcoal within 15 feet of a Rental Unit.
- (c) No person shall place any item or materials on a Balcony that will encumber, obstruct or interfere with its instant use as an Exit in case of fire or other emergency.

## (4) ENFORCEMENT.

- (a) A violation of this Section of the Code of Ordinances shall constitute a fire hazard.
- (b) Whenever and wherever in the Village it is determined by any inspection by the Director of Public Safety or other designated person that there exists a violation of this Section, it shall be declared a fire hazard.
- (c) When a fire hazard exists, the Director of Public Safety or other designated person shall serve a notice in writing upon the property owner or other person violating this Section giving the owner or person reasonable time in which to remove the hazard.

- (5) PENALTY. If the fire hazard is not removed within the time allowed, the person found to be in violation of any provision of this Section, or any rule or order promulgated or issued hereunder shall be subject to a forfeiture as provided in Section 25.04 of this Municipal Code. The Village, at its option, may declare the fire hazard a public nuisance if the person fails to remove the fire hazard.

**11.15 STORAGE OF HAZARDOUS MATERIALS IN MINI-STORAGE UNITS.**

- (1) PURPOSE. This Section is enacted to regulate the storage of hazardous materials in Mini-Storage Units for either short-term or long-term storage.

## (2) DEFINITIONS.

**Mini-Storage Unit.** An individual unit in an unoccupied compartmentalized building used for storage, regardless of whether units are rented to persons for either short-term or long-term storage.

**Low Hazard Materials.** Noncombustible or low hazard materials, that do not ordinarily burn rapidly, including but not limited to: asbestos, chalk, non-alcoholic beverages, brick and masonry, ceramic products, gypsum, glass and metals, beer or wine in metal or glass containers, electrical motors and coils, and fertilizers.

**Moderate Hazard Materials.** Materials which are likely to burn with moderate rapidity, but that do not produce either poisonous gases, fumes or explosives, including but not limited to: cloth, burlap, and paper bags, bamboo and rattan, canvas and leather belting, baskets, books and paper in rolls or packs, boots and shoes, cardboard and cardboard boxes, clothing, cordage, furniture, furs, glue, mucilage, paste and sizing, linoleum, silk, soap, sugar, tobacco products, wax candles, athletic equipment, musical instruments, beverages

containing more than 12% alcohol, furniture other than metal business machines, electronics, and plastic products not classified as High Hazard.

**High Hazard Materials.** Highly combustible or explosive products or materials, which are likely to burn with extreme rapidity or which may produce poisonous fumes or explosions, highly corrosive, toxic or noxious alkalies, acids or other liquids or chemicals producing flame, fumes, poisonous irritant or corrosive gases, materials producing explosive mixtures or dusts that result in the division of matter into fine particles subject to spontaneous ignition.

- (3) **USAGE OF MINI-STORAGE UNITS.** Mini-Storage Units may be utilized for:
  - (a) Storage of non-hazardous materials and Low Hazard Materials to Moderate Hazard Materials; and
  - (b) Storage of motor vehicles only if the fuel tank has been purged and the battery has been disconnected.
- (4) **PROHIBITION.** No person shall store High Hazard Materials in a Mini-Storage Unit and no owner of a Mini-Storage Unit shall allow such materials to be stored. Uses other than for storage are prohibited except for the provision of a rental or manager's office in a Mini-Storage Unit may be provided, subject to the provisions of Wis. Admin. Code Chapter Comm 54.
- (5) **UNIT ADDRESS REQUIRED.** All Mini-Storage Units in the Village shall have an address and individual numbers placed on each individual unit.
- (6) **OCCUPANCY NOTICE REQUIRED.** Owners of Mini-Storage Units are to submit the following information to the Director of Public Safety:
  - (a) The name, address, and telephone number of the person renting a Mini-Storage Unit.
  - (b) A list of items to be stored in the unit, i.e., materials, hazards, etc.
- (7) **ENFORCEMENT.**
  - (a) A violation of this Section of the Code of Ordinances shall constitute a fire hazard.
  - (b) Whenever and wherever in the Village it is determined by any inspection by the Director of Public Safety or other designated person that there exists a violation of this Section, it shall be declared a fire hazard.



- (c) When a fire hazard exists, the Director of Public Safety or other designated person shall serve a notice in writing upon the property owner or other person violating this Section giving the owner reasonable time in which to remove the hazard.
- (8) **PENALTY.** Any person found to be in violation of any provision of this Section or any rule or order promulgated or issued hereunder shall be subject to a forfeiture as provided in Section 25.04 of this Municipal Code. The Village may declare such violation a public nuisance if the violator fails to remove the hazardous item(s).

**11.25 PENALTY.** (Rn. MCC 95)

Except as otherwise provided in this chapter, any person found to be in violation of any provision of this chapter or any rule or order promulgated or issued hereunder shall be subject to a forfeiture as provided in Section 25.04 of this Municipal Code.

## APPENDIX - ESTABLISHMENT OF FEES

### (A) Restaurant/M Meal Food Service

- (1) **Limited Food Service Restaurant:** A restaurant that serves only individually wrapped, hermetically sealed single servings supplied by a licensed processor.

a.	License Fee:	\$125.00
b.	Pre-license Fee:	\$125.00
c.	Reinspection Fee:	\$96.00
d.	Plan Review Fee/Hour:	\$90.00
e.	Late Fee:	\$90.00

- (2) **Low Complexity Restaurant:** A restaurant in which all of the following criteria are met:

- a. Food is cooked to order.
- b. Food may be kept in a hot or warm condition, but only for one meal period. Such food may not be cooled and re-served at a later time.
- c. Limited preparation of food. Pre-packaged products may be mixed together and minor preparation, such as slicing onions or pickles as condiments, is acceptable.
- d. Potential for cross-contamination must be minimal. No raw chicken or other meats may be used. Pre-breaded fish or preformed burger patties (fresh or frozen) may be used.

1.	License Fee:	\$195.00
2.	Pre-licensing Fee:	\$193.00
3.	Reinspection Fee:	\$96.00
4.	Plan Review Fee/Hour:	\$90.00
5.	Late Fee:	\$90.00

- (3) **Moderate Complexity Restaurant:** A restaurant in which any of the following criteria are met:

- a. Any Potentially Hazardous Food, as that term is defined in Wis. Admin. Code Ch. 196, is cooled and/or reheated.
- b. Any food products made from scratch.

- c. The facility seats 50 or more patrons.
- d. The facility has a drive-up window or walk-up service window or provides delivery of food.
- e. Any raw poultry, seafood, or bulk beef is served. This does not apply to use of preformed patties.
- f. The facility provides catering services.
- g. The facility provides banquet services.

1.	License Fee:	\$277.00
2.	Pre-licensing Fee:	\$312.00
3.	Re-inspection Fee:	\$96.00
4.	Plan Review Fee/Hour:	\$90.00
5.	Late Fee:	\$90.00

- (4) **High Complexity Restaurant:** A moderate complexity restaurant in which five or more of the moderate complexity criteria set forth above are present.

a.	License Fee:	\$382.00
b.	Pre-licensing Fee:	\$432.00
c.	Re-inspection Fee:	\$96.00
d.	Plan Review Fee/Hour:	\$90.00
e.	Late Fee	\$90.00

- (5) **Temporary Restaurant:** A restaurant that operates at a fixed location for a period of no more than 14 consecutive days in conjunction with a single event or celebration such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion. Occasional means fewer than 4 days during any 12-month period. Licenses are issued at the site of the event. A temporary restaurant may be moved from location to location within the Village, but may not operate from the new location until it has been inspected and found to be in compliance. A temporary restaurant license may not be used to operate more than one restaurant at a time exceeding 14 consecutive days.

- a License Fee: \$25/50/75\*  
\*Depending on complexity of service.

b **Bed and Breakfast Establishments.**

1.	License Fee:	\$85.00
2.	Pre-licensing Fee:	\$90.00
3.	Re-inspection Fee:	\$96.00
4.	Plan Review Fee/Hour:	\$90.00
5.	Late Fee:	\$90.00

**c Hotels, Motels, Tourist Rooming Houses.**

1. 05-30 Sleeping Rooms
  - (a.) License Fee: \$179.00
  - (b.) Pre-licensing Fee: \$180.00
2. 31-99 Sleeping Rooms
  - (a.) License Fee: \$274.00
  - (b.) Pre-licensing Fee: \$288.00
3. 100-199 Sleeping Rooms
  - (a.) License Fee: \$360.00
  - (b.) Pre-licensing Fee: \$396.00
4. 200 or more Sleeping Rooms
  - (a.) License Fee: \$432.00
  - (b.) Pre-licensing Fee: \$432.00
5. Tourist Rooming House (1-4 rooms)
  - (a.) License Fee: \$122.00
  - (b.) Pre-licensing Fee: \$252.00
6. Re-inspection Fee: \$96.00
7. Plan Review Fee/Hour: \$90.00
8. Late Fee: \$90.00

**d Tattooing and Body Piercing.**

1. Tattoo or Body Piercing Establishment
  - (a.) License Fee: \$120.00
  - (b.) Pre-licensing Fee: \$360.00
2. Combined Tattoo/Body-Piercing Establishment
  - (a.) License Fee: \$180.00
  - (b.) Pre-licensing: \$360.00
3. Re-inspection Fee: \$96.00
4. Plan Review Fee/Hour: \$90.00
5. Late Fee: \$90.00
6. Temporary Event: \$60.00
7. Tattooist: \$60.00
8. Body Piercer: \$60.00

e. **“Class B” or “Class C” Premises (Tavern and Bar).**

1. Tavern or Bar
  - a. Licensing Fee: \$75.00
  - b. Pre-licensing Fee: \$100.00
  - c. Preinspection Fee: \$96.00
  - d. Plan Review Fee/Hour: \$96.00
  - e. Late Fee: \$90.00

f. **Pet Shop/Store.**

1. Licensing Fee: \$120.00

g. **Duplicate Permit Fee:** \$15.00

h. **School Food Service Facilities.**

- Inspection Fee:
1. Full Kitchen \$210.00
  2. Food Reheat \$75.00
  3. Re-Inspection \$75.00

i. **Sanitation Permit Fee:** \$75.00

(C) **Special Event Annual Inspection Fee \*(an Event can be more than 1 day)**

Special Event inspection shall be conducted during all temporary events (i.e. Carnivals, fairs, fundraising, bazaars, etc) to protect food safety and public health.

(D) **Requirements of Inspection:**

Inspection shall be conducted in accordance to the terms and conditions of this ordinance or HFS 196; chapter 10 of the Wisconsin Administrative Code.

(1) **Temporary Food Establishments Definitions**

- a. “Food Establishment” means an operation that stores, prepares, serves, vends, sells or otherwise provides food for human consumption. The term “food establishment” includes a “restaurant” as defined in. §254.65(5), Wis. Stats.; a “retail food establishment” as defined in §97.30, Wis. Stats.; and a “temporary restaurant” as defined in §254.61(5m), Wis. Stats.
- b. “Temporary Food Establishment” means a food establishment that operates at a fixed location for a period of no more than 14 consecutive days in conjunction with a single event or celebration such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion.

- (2) **Permit Required.** No Person may operate a Temporary Food Establishment in the Village of Sturtevant without a Department permit. Applications for permits shall be submitted to the Department along with the appropriate special event inspection fee. Permits issued hereunder shall be conspicuously displayed at the Temporary Food Establishment.
- (3) **Inspection by Department.** Authorized employees of the Department, upon presenting proper identification, shall have the authority to perform inspections from time to time of any Temporary Food Establishment for compliance with this Code, including the state laws incorporated in this Code by reference.
- (4) **Violations.** Any Person who operates a Temporary Food Establishment in violation of any of the provisions of this Code, including the state laws incorporated into this Code, shall be subject to forfeitures and any other penalties allowed by this Code including, but not limited to, revocation of the permit. Any Person who operates a Temporary Food Establishment without a proper permit shall be subject to a forfeiture of \$100.00 for each day in which the Person operates without a permit.
- (5) **Inspection Fees:** The inspection fees shall follow the corresponding grouping

1 – 5 Events	\$50.00
6 – 10 Events	\$75.00
11 Events and over	\$100.00